IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1914 OF 2005

Salman Anis Dolare ...Petitioner

Versus

The Special Executive Magistrate and Anr ...Respondents

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Mr. M.S.Kadu, Advocate for Petitioner

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 13TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the state.

2. The petitioner has prayed that the chapter proceedings i.e. Chapter case No.51 of 2005 be quashed. The said proceedings are pending before the Special Executive Magistrate, Kalyan Division.

3. On instructions the learned A.P.P. has made a categorical submission that no final order has been passed in the said chapter proceedings and the matter is pending consideration before the Special Executive Magistrate.

4. In this view of the matter, I am not inclined to quash the chapter proceedings at this stage. Moreover, in my opinion, it would be premature to quash the proceedings against the petitioner at this stage. The Special Executive Magistrate shall give sufficient opportunity to the petitioner to defend himself by leading evidence if necessary and thereafter, decide the proceedings. In case order is passed directing the petitioner to execute a bond or furnish surety, he shall be given four days time to furnish bond and surety.

5. Writ petition is disposed of in terms of the above order.

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